



JAMES N. SYLVESTER  
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**TO INMATE: Montez, Robert Booking # 11-6632**

**BUILDING/HOUSING: 02B03B**

**FROM: L. Johnson #757 / Grievance Sergeant**

*L. Johnson #757*

**DATE: March 8, 2011**

I have reviewed your appeal on the Board Hearing held for:

- 1) Entering, Being Present, or Exiting an Area With out Permission
- 2) Refusing to Follow a Written or Oral Directive
- 3) Excessive Noise

Reasons for appeal:

You state that you want to appeal the decision of the board since you feel that the officers involved assaulted you. You also state that you are an MHMR patient and have not been seen by the Psychiatric Doctor. You claim that medical never saw you when the incident took place.

After reviewing documentation and evidence presented at the hearing, I found the following:

I found that the morning of the incident you were upset due to finding out that you were not on the court docket. While the officer was passing out laundry you got loud and banged on your door stating that he needed to get a sergeant down there. The officer told you that when the laundry was done being passed out he would double check it for you. He told you that you may be on the afternoon court docket, or may have been reset. You continued to yell and bang.

The officer came to your cell to speak with you after he had re-checked the court docket. When he opened your cell door you exited the cell, and failed to



follow his verbal directions to go back into your cell. He then placed his hand on you to guide you back to your cell. You physically resisted this action and were taken to the ground. Other officers responded and placed you in the Emergency Restraint Chair.

After reviewing the video I see no actions by staff to show that you were assaulted. It clearly shows that you resisted staff, and the officers took physical control of your body. Only the force needed to control the situation was used. I show that Nurse Fine did an assessment of you when you were placed in the Emergency Restraint Chair at 08:13AM. As part of her assessment she checks the restraints to ensure they are not too tight, and takes note of any other notable physical injuries. None were noted at the time of the incident.

I do not show any excessive force or negligence by any staff member in this incident.

Based upon my findings I find no reason to change the decision of the Disciplinary Board. The boards' findings were fair and well supported by the reports, the disciplinary board recording, video of the unit at the time, and your testimony.

Appeal Denied

In accordance with the inmate handbook, this decision is final.